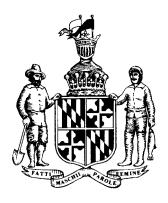
# ALCOHOLIC BEVERAGES REGULATIONS

#### STATE OF MARYLAND



#### FREDERICK COUNTY

2009

Frederick County Liquor Board 12 East Church Street Frederick, MD 21701 301-600-2984 Fax 301-600-3500

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#### BOARD OF LICENSE COMMISSIONERS FOR FREDERICK COUNTY, MARYLAND

### ALCOHOLIC BEVERAGES REGULATIONS

The Board of License Commissioners for Frederick County has adopted the following Regulations, as authorized by \$16-301(a) of Article 2B, Alcoholic Beverages, Maryland Annotated Code.

The Board of License Commissioners will fine, and/ or suspend, or revoke the license of any violator of these Regulations. Your compliance is expected.

JAMES E. McCLELLAN, Chairman
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Revised and effective April 20, 2009, except for the revision to \$5.0, which was effective on June 29, 2010, after public hearings on April 20, 2009 and June 29, 2009.

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#### **Chapter 1. General Provisions**

#### §1.0 - Definitions

- (a) *Board* The Board of License Commissioners for Frederick County.
- (b) *Club* An association or corporation that is organized and operated exclusively for educational, social, fraternal, patriotic, political or athletic purposes and not for profit.

(Article 2B, §1-102(a)(4))

(c) *Comptroller* – The Comptroller of the Treasury of the State of Maryland.

(Article 2B, §1-102 (a)(5))

- (d) *Establishment* Licensed place of business.
- (e) Full Course Meal Includes the following menu offerings: appetizers, soups and/or salads, and main courses.
- (f) *Keg* A keg is a container of beer with a capacity of at least 4 gallons that is designed to dispense beer directly from the container.
- (g) *License Holder or Licensee* The holder of any alcoholic beverages license or permit issued under the provisions of any law of this State.

(Article 2B, §1-102(15)(i))

- (h) *Light Meal* Consists of at least two of the following menu options: soups, salads, and sandwiches.
- (i) *Light Wine* Any naturally fermented wine containing not in excess of 22 percent of alcohol by volume.

(Article 2B, §4-101)

- (j) Residency Home residence is generally determined by the address on a current valid driver's license, unless other satisfactory evidence, as determined by the Board, proves otherwise.
- (k) Restaurant for Class B, Beer or Class B, Beer and Light Wine – An establishment for the accommodation of the public, equipped with a dining room and a full kitchen for preparing and serving food, consisting of at least 7 tables with 28 chairs.

The establishment must be open at least 5 days each week.

(Article 2B, §3-201, §5-201)

(l) Restaurant for Class B, Beer, Wine and Liquor – An establishment for the accommodation of the public, equipped with a dining room and a full kitchen for preparing and serving full course meals twice daily, with a seating capacity of 50 persons or more at tables, not including the seats at counters or bars. The average daily receipts from the sale of food must exceed the average daily receipts from the sale of alcoholic beverages.

There must be sufficient food on the premises at all times to fill orders made from the menu, with at least one proper sign in front of the establishment designating "restaurant" or food and beverages sold. The establishment must be open at least 5 days each week.

(Article 2B, §6-201)

#### §1.1 - Dishonored Checks or Payments

Any licensee who gives the Board a check or payment

that has been returned for any reason will be notified immediately. If the amount of the check or payment, plus applicable charges established by the Frederick County Treasurer are not paid within 2 business days of notification, the Board will pick up the license immediately.

#### §1.2 - Regulations

The Board reserves the right to suspend the application of any Regulation when it finds that there is good cause to do so.

#### **Chapter 2. Licenses**

#### §2.0 - Class A (Off Sale) License

A Class A licensee may sell alcoholic beverages at retail in any quantity to the consumer at the establishment and deliver the beverages in a sealed package or container that must not be opened nor its contents consumed on the premises where sold.

(Article 2B, \$3-101, \$4-201, \$5-101, \$6-101)

#### §2.1 – Class B (On Sale) License

(a) Class B, Beer Only and/or Beer and Light Wine – The establishment must operate as a restaurant and serve food. A menu must be posted on the wall or placed on the table. This license permits consumption of alcoholic beverages in the establishment only where meals are prepared and served. However, the establishment may sell alcoholic beverages in sealed containers to be carried out and consumed elsewhere.

(Article 2B, §3-201, §5-201)

(b) Class B, Beer, Wine and Liquor - The establishment must operate as a restaurant and serve full-course

meals at least twice daily, have a regular seating capacity at tables (not including seats at counters or bars) for 50 or more persons. This license permits consumption of alcoholic beverages in the establishment only where meals are prepared and served, except for alcoholic beverages of not more than 14.5 percent by volume which may be sold in sealed containers to be carried out and consumed elsewhere. No alcoholic beverages over 14.5 percent by volume may be sold to take out.

The special Class B licenses available are Banquet Facility, Bed & Breakfast, Catering, Country Inn, Dinner Theatre, Drafthouse, Hotel, and Microbrewery. (Article 2B, \$2-208, \$6-201, \$6-703.1, \$8-701)

#### §2.2 – Class C (On Sale) License

(a) Class C, Beer Only and/or Beer and Light Wine – This license permits consumption of alcoholic beverages inside the establishment only.

(Article 2B, §3-301, §5-301)

(b) Class C, Beer, Wine and Liquor – No Class C (On Sale), Beer, Wine and Liquor license may be issued to any club that has not been in business or regularly operating for at least 3 years prior to applying for the license. This restriction does not apply to any nationally chartered and recognized bona fide fraternal, charitable or veterans' organization.

The special Class C licenses available are for the Performing Arts Center (Weinberg Center), the Cultural Arts Center (MD Ensemble Theatre), a Private Business Club, a Private Country Club, and a Golf & Country Club license.

(Article 2B, §6-301)

#### §2.3 – Special One Day Licenses

A Special one day license for up to 7 consecutive days may be applied for by a club, society or association that receives approval from the Board.

#### **Chapter 3. Applications**

## §3.0 – General Provisions for New and Transfer Applications

- (a) *Applications (New or Transfer)* The application must be on the original application form provided by the Board. Photocopied or faxed copies will not be accepted.
- (b) Checklist All applications must be accompanied by a checklist of required items. The application and checklist must be fully completed before the Board will process the application and schedule a hearing date.
- (c) Conditional Approvals The Board will accept and process license applications prior to the erection of a building or completion of tenant improvements on the property for which the application is made when those applications are accompanied by concept plans of the building to be erected or concept plans of the improvements to be constructed, as the case may be. The Board will process applications in the same manner as applications for property on which the building or tenant improvements have already been constructed, except that it is solely within the Board's discretion to determine whether the length of time until the beginning of operations proposed by the applicant is reasonable and in the public interest and welfare. It is also within the Board's discretion to set a definite time for the license to be in use. The Board

may grant approval of the license after the public hearing conditioned upon approvals from the Health Department, the Fire Marshal's Office and the obtaining of a use and occupancy permit for the building or tenant improvements, completed in substantial compliance with the plans approved by the Board. If such license is not in use within the time period set by the Board at the hearing for such license, the conditional approval of the license will be revoked unless the applicant requests and receives an extension of time from the Board. It is solely within the Board's discretion to approve or deny an extension of time. The license must not be issued until the applicant is fully ready for use and all other approvals have been received.

(d) Corporations – A corporation applying for a license must submit copies of its Articles of Incorporation, its approval by the State Department of Assessments and Taxation, By-Laws, and the stock certificates showing the stock that has been issued. A certified copy of the first and organizational meeting minutes showing the election of officers and stock breakdown must also be submitted. A stock sheet showing the names and addresses and the percentage of stock owned by each stockholder must be filed with the application.

Any corporation with a change of ownership of 51 percent or more of the stock must apply for a transfer of the license. This includes incremental changes of stock ownership when the total stock ownership is changed by 51 percent or more.

Any corporation with a change of the majority of the officers appearing on the license must apply for a transfer of the license.

- (e) Fingerprinting Each applicant must submit completed fingerprint cards to the Board by the time the application is submitted, along with payment of the fee for the records check.
- (f) Fire Marshal The Fire Marshal must approve any new or transfer application prior to the issuance of any license.
- (g) Franchises A Class A, alcoholic beverages license may not be issued to any franchised establishment. (Article 2B, §9-211(d))
- (h) Gas Agreement Any applicant who sells gasoline or proposes to sell gasoline once licensed must submit with the application a signed copy of the agreement with the oil company to ensure that a franchise does not exist. A current agreement with any gas supplier must be submitted to the Board with any application for a new license or to transfer a license. The agreement must be kept current by submitting any renewed or new agreements to the Board.
- (i) Health Department Approval Any new or transfer application for any Class B, On Sale establishment must meet all Health Department requirements prior to the issuance of a license.
  - If the Health Department closes a Class B establishment for any reason, the license must be returned to the Board until the Health Department allows the establishment to re-open to prepare and serve food.
- (j) Lease A copy of the lease (for at least one year) must accompany each new application or transfer. It must

be in the name of those appearing on the license. A sublease will not be accepted except those directly approved by the owner of the premises on the sublease itself.

(k) Limited Liability Company – A limited liability company applying for a license must submit copies of its Articles of Organization, the approval by the State Department of Assessments and Taxation, and the Operating Agreement that shows the membership and ownership of the company. A percentage of ownership sheet showing the names of all the owners, the percentage held by each owner, and home address of each owner must be submitted with the renewal application.

Any limited liability company with a change of ownership of 51 percent or more of the company will require an application for a transfer of the license. This includes incremental changes of ownership when the total ownership is changed by 51 percent or more.

- (l) Naturalization/Alien Registration Any applicant who is a naturalized citizen must present the original Certificate of Naturalization to the Board for verification. (It is illegal to make a copy.) Any applicant who is a registered alien must submit a copy of the resident alien card to the Board with the application.
- (m) New Applications during Renewal Time Applications for new licenses during renewal time may be issued March 1 and must be filed on or before April 1 with the hearing to be after May 1.
- (n) Occupancy Permit Before any new license is issued, the Board must receive a copy of the occupancy permit.

- (o) Partnerships All partnerships applying for a license must submit a certified copy of their partnership agreement and written authorization for the designated licensees to apply for and hold the license on behalf of the partnership. The names of all partners must be stated on the application.
- (p) Residency Individuals, at least one authorized licensee on behalf of a partnership, at least one officer of a corporation, and at least one authorized licensee on behalf of a limited liability company must be a Frederick County resident for the two years immediately prior to the filing of the application, a registered voter and a taxpayer, and must remain a resident of Frederick County, a registered voter and a taxpayer while a licensee, if the licensee is the only qualified Frederick County resident.
- (q) Signatures The 10 persons whose signatures appear on an application for a new license or a transfer must be both registered voters and real estate owners in the precinct where the license is being sought. The signatures must be legible, or the name printed above the signature, and the application must give complete addresses for each signer. The section that calls for the length of time the signer has known the applicant must be filled out for each one of the signers.
- (r) Taxes Applicants for a new or transfer of an existing license must agree to keep current all State and local tax obligations including, but not limited to, State sales and use tax, withholding tax and admissions tax.
- (s) *Time Limit* All applications given out by the Board, either for a new license or for a transfer of a presently

issued license, must be filed within 30 days after the application was picked up. Failure to file the application within this time limit will require a new application to be taken out.

Any transfer or new license approved by the Board must be issued no later than 30 days from the date of the hearing unless the Board establishes some other deadline when granting its approval.

- (t) Trader's License Applicants for either a new license or a transfer must submit a valid trader's license issued by the Clerk of the Court for the operation of the business to be conducted if the license is granted by the Board.
- (u) Withdrawing the Application Any application for a license may be withdrawn by the applicant at any time. This must be done in writing and be signed by all the applicants or their authorized representative.
- (v) Worker's Compensation Applicants for a new or transfer of an existing license must submit proof of Worker's Compensation insurance or indicate on the application that the applicant is not required to provide coverage.

(Article 2B, §9-104)

(w) Zoning – A licensee who files an application for a new location or a different type of license at the same location must comply with zoning regulations.

#### §3.1 – Special Provisions for Transfer Applications

(a) Bulk Sales Act – A licensee selling his business must give the buyer a notarized listing of the names and addresses of all businesses dealt with in the past year, as well as the amount of money owed them (if any).

The licensee must submit a notarized affidavit of compliance with this requirement to the Board prior to the hearing.

- (b) Bulk Transfer Permit A licensee transferring his business must submit to the Comptroller a bulk transfer permit application for approval prior to the completion of the transfer.
- (c) Contract of Sale An application for a transfer must include a valid contract of sale or bill of sale of the business, signed by both parties and completely filled out.
- (d) Sale of Business Any licensee who is in the process of selling his business must notify the Board to allow ample time to obtain necessary information relating to the sale, the prospective buyer, and the location. Each sale of a business requires an application for transfer.
  - A licensee who sells the business and ceases operations without receiving the Board's approval for a transfer of the license will be required to show cause why the Board should not issue a fine and/or suspension, or revocation.
- (e) Taxes No licensee transferring the business who owes any retail sales tax, withholding or admissions and amusement taxes will be permitted to transfer the license.
- (f) *Transfer of Location* A licensee who intends to transfer the location of the business must complete an application for a transfer.
- (g) Transfers during Renewal Time No application for a transfer to become effective before May 1 of that year

may be received by the Board after January 10 of that year. Any sale of a business during the renewal period will cause the license to automatically expire.

(h) Use of License – A licensee selling his business who wants to have the purchasers operate the business until the transfer is complete, may do so by submitting a notarized statement on a form approved by the Board to the Board for approval. This can <u>only</u> be done once the application for transfer has been received by the Board and has been advertised at least once.

This statement must include the name of the licensee, license number, address, and the names of the applicants who will be operating the business. The statement must be signed by all those appearing on the present license and notarized.

All accounts associated with the business must remain in the name of the current licensee. The current licensee is responsible for all actions of the purchasers or anyone acting on behalf of the purchasers until the Board approves the transfer of the license.

#### §3.2 - Renewals

(a) Applications – Application for renewal must be made after March 1 and before April 1 of any year. Any renewal filed late will be subject to a \$50.00 fine for each calendar day. The application must be the original provided by the Board. Photocopied or faxed copies will not be accepted.

(Article 2B, §10-301)

(b) *Corporations* – A stock sheet showing all stockholders, the percentage of stock held by each stockholder,

and their names and addresses must be submitted with the application. An original certificate of good standing from the State Department of Assessments and Taxation must also accompany each renewal application. Requests for this certificate should be made in a timely manner so as to allow sufficient time for it to be received before the renewal application is submitted to the Board.

Any licensee desiring to change corporate officers during renewal time must do so by January 10 of the same year.

(See Chapter 5, §5.2 (a) for the requirements and procedure to follow to change officers.)

- (c) Hours of Operation, Days of Closing and Managers The hours of operation, days of closing, and the name of the establishment's manager must be reported to the Board in writing and signed by a licensee.
- (d) Late Pick-up of License Any licensee who fails to pick up the new license by the date and time indicated by the Board will be subject to a \$50.00 fine for each calendar day.
- (e) Lease Each renewal application must include a copy of a lease of at least one year in duration covering the entire period for which the renewed license would be valid unless a lease covering the renewal period was previously provided to the Board.

A sublease will not be accepted unless directly approved by the owner of the premises directly on the sublease itself.

(f) Limited Liability Company - A percentage of ownership sheet showing the name of all the owners,

the percentage held by each owner, and home address of each owner must be submitted with the renewal application.

An original certificate of good standing from the State Department of Assessments and Taxation must also accompany each renewal application. Requests for this certificate should be made in a timely manner so as to allow sufficient time for it to be received before the renewal application is submitted to the Board.

Any licensee desiring to change licensees during renewal time must do so by January 10 of the same year.

(See Chapter 5, §5.3 (b) for the requirements and procedure to follow to change a licensee.)

- (g) New License Displayed The new license must be displayed prior to beginning operation on May 1 of the license year, but not before May 1. Any license not properly displayed will be subject to a fine.
- (h) Taxes The Board will not issue a renewal license if there are any delinquent retail sales, admissions and amusements and/or withholding taxes owed to the Comptroller. If any taxes are owed at the time of filing the renewal application, it must be indicated on the application and a separate sheet must be attached describing any outstanding taxes, the reasons therefore, and a description of any payment plan or other agreement entered into with the tax collection authority.

#### **Chapter 4. Hearings**

#### §4.0 - Hearings and Conferences

All licensees or applicants for a license must be present during any hearing or conference scheduled by the Board. A licensee may submit a request to the Board to postpone a scheduled hearing or a conference. If the Board approves the request, an administrative fee of \$100.00 must be paid prior to rescheduling the hearing or conference.

#### §4.1 - Orders and Rulings

Unless otherwise provided by the Board, the Board's orders and decisions are effective when made. When an appeal from a Board order or decision is filed and the cost of the appeal is paid, the Board may stay its decision pending the disposition of that appeal.

#### §4.2 – Decisions – Requests for Reconsideration

Licensees may file a written request for reconsideration of any Board decision within 10 days of the decision. The request must contain the reasons upon which the request is based. A request for reconsideration does not stay the operation of a Board decision unless the Board grants a stay. A request for reconsideration stays the time for an appeal until the time the request is denied or, in the event the request is granted, a subsequent decision is made.

#### §4.3 - Decisions - Appeals

Licensees desiring to appeal any Board decision must file an appeal within 30 days of the decision. The party filing the appeal must pay for the transcription of testimony. The order for such transcription must be placed with the stenographer within 5 days after the appeal is filed. (Article 2B, §16-101)

#### §4.4 - Penalty - Fines

Unless otherwise provided by the Board, a fine is due and payable within 72 hours after the decision is given to the licensee. Any late fine payment will double. If the fine is not paid within the next 72 hours, the license will be retrieved by the Inspector and returned to the Board until the fine is paid in full.

#### **Chapter 5. Standards of Operation**

#### §5.0 – Alcohol Awareness Program

The holders of a Class A, Class B or Class C license must have at least one licensee or a designated employee who has completed an alcohol awareness training program approved by the Comptroller's Office. A certificate of completion must be issued for each completion of a certified program and is valid for 4 years from the date of issuance. Retraining must be taken at least every 4 years. An up-to-date valid certificate must be presented to the proper authority upon request.

All licensees are required to provide the Board with a copy of a certificate of completion for any licensee or designee. If the licensee who has completed the program changes, or the employee who has been named as the licensee's designee terminates employment, the licensee must notify the Board in writing within 5 days. If the Board has been properly notified, the licensee has 30 days to replace the certified designated person and give the Board a copy of the certificate of completion.

All new licensees or transferred licensees have 30 days to comply with this requirement.

After the Board has found a licensee guilty of a first violation of this requirement, the licensee has 30 days to comply before the second offense occurs.

(Article 2B, §13-101)

#### §5.1 - Barring Individuals

All licensees should bar individuals involved in disturbances in the establishment from entering the premises and must hand-deliver or mail by regular First Class delivery a letter advising that individual of this and stating that if that individual enters the establishment again during the time the individual is barred, an arrest will be made for trespassing. The licensee should state this orally also when serving the individual with the letter.

This letter should include the date of delivery, name of the individual and address, the period of time the individual is barred or if permanent, and the signature of the licensee.

The original should go to the barred individual, a copy to the Board within 5 days, and a copy should be retained for the licensee's files (should a warrant be required).

#### **§5.2 – Changes in Information Provided**

Any change of information contained on the original application or any renewal application must be submitted to the Board in writing within 5 days. This notice requirement includes changes of the home address of any licensee or manager, the business or home telephone number of any licensee or manager, a change to the physical address of the establishment, a change of the Retail Sales Tax Number, and a change in the Worker's Compensation certification. Changes in the property owner of the establishment must be reported as soon as the licensee is notified. If the change alters any lease or other documentation that has

been submitted in connection with the application, new documentation is required.

## §5.3 - Change of License Holders, Class A and Class B Licenses

(a) Corporations and Unincorporated Associations – Any change of the officers of a corporation or unincorporated association in whose names a license has been issued must be reported to the Board within 5 days. The report must include a certified copy of the minutes of the corporation meeting signed by the President or the Vice-President, a completed supplemental application form, and completed fingerprint cards to be processed for a criminal records check. Upon receipt of the required documentation, the Board will issue a corrected license.

Any change of stock ownership must be reported to the Board within 5 days, even if the officers have not changed. The report must include corporation minutes to show the change of stock ownership and copies of the issued stock.

When there is a change of the majority of the officers appearing on the license, a complete transfer of the license is required.

When there is a change of the majority of the ownership of corporate stock a complete transfer of the license is required.

(b) Limited Liability Company – Any change of the authorized persons of a limited liability company in whose names a license has been issued must be promptly reported to the Board within 5 days. The report must include a certified copy of the resolution or other document naming the authorized persons to hold the license on behalf of the limited liability company, a completed supplemental application form, and completed fingerprint cards to be processed for a criminal records check. Upon receipt of the required documentation, the Board will issue a corrected license.

Any change of the percentage of the ownership of the limited liability company must be reported to the Board within 5 days, even if the licensees have not changed. The report must include documentation to show the change in the ownership.

When there is a change of the majority of the licensees appearing on the license, a complete transfer of the license is required.

When there is a change of the majority of the ownership of the limited liability company, a complete transfer of the license is required.

(c) Partnerships or Limited Partnerships – Any change of a partner of a partnership or a general partner of a limited partnership in whose names a license has been issued must be promptly reported to the Board within 5 days. The report must include a certified copy of the resolution or other document naming the authorized partners to hold the license on behalf of the partnership or limited partnership, a completed supplemental application form, and completed fingerprint cards to be processed for a criminal records check. Upon receipt of the required documentation, the Board will issue a corrected license.

Any change of the percentage of the ownership of the partnership or limited partnership must be reported to

the Board within 5 days, even if the licensees have not changed. The report must include documentation to show the change in the ownership.

When there is a change of the majority of the licensees appearing on the license, a complete transfer of the license is required.

When there is a change of the majority of the ownership of the partnership or limited partnership, a complete transfer of the license is required.

(d) *Individuals* – The change of the licensee on a license that is held by an individual requires a complete transfer.

#### §5.4 - Changes to the Licensed Premises

Any licensee proposing to expand or reduce the size of the licensed premises or establishment must submit a written request to the Board along with a copy of the proposed plans. The licensee must obtain the Board's approval of the plans before any construction or alteration begins. Upon completion of the modifications and the release of any necessary permits, zoning approval, or any required inspections, the Board will issue a final written approval.

## \$5.4.1 – Change of Legal Name of Person Appearing on a License

A person appearing on the license who changes his or her legal name either by marriage, divorce or other legal process, must notify the Board in writing within 5 days of the change and provide supporting documentation of the name change. The Board will issue a corrected license upon receipt of the required documentation and payment of the fee.

Any licensee proposing to substantially modify the interior or exterior of the premises must submit a written request to the Board along with a copy of the proposed plans. Modifications of any interior walls or alterations that change the size of rooms within the establishment require Board approval.

#### §5.5 - Change of Manager

The Board must be notified within 5 days of a change of the manager of an establishment. The notice must include the name, home address and home telephone number or cell phone number of the new manager. The notice to the Board must be signed by a licensee.

The manager must be a responsible person who can be called upon to answer questions from the Board have access to employee records and invoices, and who will be at the establishment a majority of the time.

#### \$5.6 - Change of Officers, non-profit Clubs

Any change of officers of a non-profit club in whose name a license has been issued must be promptly reported to the Board in writing within 5 days from the date of the election. The notice requirement includes a certified copy of the minutes of the election of officers signed by the President or the Vice-President, a completed supplemental application form, and completed fingerprint cards to

be processed for a criminal records check. Upon receipt of the required documentation, the Board will issue a corrected license.

#### §5.7 - Change of Trade Name

A change of the establishment's trade name must be signed by the licensee and sent to the Board within 5 days. Upon receipt of the required notice, the Board will issue a corrected license.

#### §5.8 - Conduct of Business

All licensees must operate their business in such a manner as to avoid disturbing the peace, safety and quiet of the neighborhood where located.

All unnecessary noises, including the playing of loud music, loud talking and loud singing at unreasonable times are prohibited.

All licensees must keep the dining area, the inside area of the establishment, and any outside areas that are part of the establishment neat, clean and orderly. This includes gathering trash, cigarette butts, litter, etc. off of the floor.

#### §5.9 – Consumption

Between 2:00 a.m. and 6:00 a.m. Monday through Saturday, and between of 2:00 a.m. and 11:00 a.m. on Sunday, no person may consume any alcoholic beverages on any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article and no owner, operator, manager or employee of the premises or places may knowingly permit such consumption. (Article 2B, §11-304).

#### §5.10 - Death of a Licensee

If a license holder dies, the license will expire. However, if the Executors or Administrators of the deceased licensee pay a \$1.00 fee, the Board may grant a certificate of permission for the continuation of the business in the name of the Executors or Administrators for the benefit of the Estate of the deceased for a period up to 18 months. The applicant must obtain a letter of administration from the Registrar of Wills and present it to the Board before it will grant the certificate of permission.

(Article 2B, §10-506)

#### §5.11 – Deliveries

Class A licensees may deliver alcoholic beverages in any quantity in a sealed package or container to a person of legal drinking age in Frederick County.

Class A and B licensees who have properly registered with the Board may deliver alcoholic beverages in Frederick County in any quantity to a person of legal drinking age. Delivery forms must be used giving the date; time; customer's name, address, and phone number; date of birth; the type and quantity of alcoholic beverages; certification that the person receiving the delivery of alcoholic beverages is over 21 years of age and that it is a criminal offense for the alcoholic beverages to be turned over to a minor; and the customer's and the delivery person's signatures. The delivery forms must be turned in to the Board by the 10th of every month.

Only bona fide employees on the payroll or licensees are authorized to make deliveries from either Class A or Class B establishments. Deliveries cannot be made to another establishment by either a Class A or Class B licensee such as to a licensed motel or a licensed hotel.

#### \$5.12 - Display of License

Every person receiving a license under Article 2B must frame the license under glass and place it so that it is conspicuous and easily readable by the public in the establishment. (Article 2B, §10-505)

#### §5.13 - Drinks After Hours

No alcoholic beverages may be served, dispensed or given

away in any part of the premises of any Class B or Class C establishment after 2:00 a.m. All alcoholic beverages must be off the tables and bar by 2:00 a.m. No person may consume alcoholic beverages after 2:00 a.m. By 2:00 a.m. all patrons must be out of the establishment. Last call should be not later than 1:45 a.m. and patrons should be advised to leave by 1:55 a.m. Owners and employees must finish their work and be out of the establishment within a reasonable time. Bands may remain long enough to pack and load their equipment.

#### §5.14 - Employees

An employee must be 18 years old to serve or sell any alcoholic beverage. This restriction includes cocktail waitresses, bartenders, store clerks, and delivery persons.

It is lawful for any bona fide employee to possess alcoholic beverages in the course of his employment where the employment is not prohibited by Article 2B.

Persons 14 to 18 years of age are allowed to work in an establishment provided they <u>do not sell or serve any alcoholic beverages</u>. All licensees who employ minors must supply the Board with a copy of the minor's work permit and a letter of permission from the minor's parents. This must be strictly adhered to.

(Article 2B, §12-302)

#### §5.15 - Fire Marshal

Licensees must completely comply with all Fire Marshal orders.

## §5.16 – Food Requirements, Class B (On Sale), Beer and Beer and Light Wine Licenses

The establishment must operate as a restaurant and serve food and continue this operation after being granted a license.

(See Chapter 1, §1.0 (j) for the definition of a Class B, Beer or Beer and Light Wine restaurant.)

## §5.17 – Food Requirements, Class B (On Sale), Beer, Wine and Liquor Licenses

The establishment must be operated as a restaurant and serve full-course meals at least twice daily.

(See Chapter 1, §1.0 (k) for the definition of a Class B, Beer, Wine and Liquor restaurant.)

#### §5.18 – Health Regulations

All licensees are strictly accountable for enforcing and observing all health regulations in effect in Frederick County or any incorporated municipality in which the establishment is located, concerning the proper sanitation of eating and drinking establishments.

#### \$5.19 - Hours and Days of Operation

(a) Class A (Off Sale), Beer and/or Beer and Light Wine – The privileges conferred by a Class A, Off Sale license may be exercised from 6:00 a.m. to 12:00 midnight every day except Sunday, when the hours may be from 1:00 p.m. until 12:00 midnight. However, a licensee who holds a Special Sunday Opening Permit may sell alcoholic beverages at 12:00 noon until 12:00 midnight on Sunday.

(Article 2B, \$11-301, \$11-302, \$11-511)

[Editor's Note: Effective June 1, 2010, \$11-301(a)(2) and \$11-302(a)(2) authorize a Class A license to sell alcoholic beverages Monday through Saturday from 6:00 a.m. until 2:00 a.m. and on Sunday from 11:00 a.m. until 2:00 a.m.]

(b) Class A (Off Sale), Beer, Wine and Liquor – The privileges conferred by a Class A, Off Sale license may

be exercised from 6:00 a.m. to 12:00 midnight every day except Sunday. No alcoholic beverages may be sold or dispensed on Sunday by any holder of a Class A, Off Sale, Beer, Wine and Liquor license except by those holders of a Special Sunday Permit, when the hours may be from 12:00 noon until 12:00 midnight.

#### (Article 2B, §11-303 (a), §11-511)

[Editor's Note: Effective June 1, 2010, \$11-303(a)(2) authorizes a Class A license to sell alcoholic beverages Monday through Saturday from 6:00 a.m. until 2:00 a.m. and on Sunday from 11:00 a.m. until 2:00 a.m.]

(c) Class B (On Sale) – (i) The privileges conferred by a Class B, On Sale, license may be exercised from 6:00 a.m. to 2:00 a.m. except on Sunday, when the hours for on-premises sales may be from 11:00 a.m. to 2:00 a.m. and the hours for off-premises sales may be from 1:00 p.m. to 2:00 a.m.

#### (Article 2B, §11-511(c))

The establishment must be open by 3:00 p.m. and must be open at least five days per week, unless permission for a four day week is granted under subparagraph (ii) of this section.

- (ii) The Board may allow an establishment to open four days a week. Unless extended by the Board, this subparagraph (ii) expires on April 20, 2010.
- (d) Class C (On Sale Only), Clubs The privileges conferred by a Class C, On Sale Only license may be exercised from 6:00 a.m. to 2:00 a.m. except on Sunday, when the hours may be from 11:00 a.m. to 2:00 a.m.

(Article 2B, §11-511)

- (e) *Election Day* All licensees may be open on the day of any general, special or primary election held in this State. (Article 2B, \$11-401)
  - (f) Hours of Operation and Regular Days of Closing The hours of operation and regular days of closing must be reported to the Board in writing and adhered to. The notice to the Board must be signed by:
    - a. The president or vice-president of a corporation,
    - b. An authorized person of a limited liability company,
    - c. A partner of a partnership,
    - d. A general partner of a limited partnership, or
    - e. An individual, if owned individually.

Any changes must be given to the Board in writing within 5 days. Any restaurant that intends to stay open 24 hours a day for preparing and serving food after 2:00 a.m. must give the Board a notarized statement to this effect.

#### §5.20 - Inspections and Searches

Licensees or any employees or authorized agents of the licensee must allow the Alcoholic Beverages Inspector, Commissioners, any peace officer or duly authorized Comptroller's agents to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building in which the business is to be conducted, at any time.

(Article 2B, \$16-405)

#### §5.21 - Keg Registration

Any licensee who engages in the off-premises sale of beer kegs must comply with the following requirements.

- (i) A licensee may not sell or transfer, or offer to sell or transfer the contents of a keg for consumption off-premises unless:
  - (1) The licensee provides the purchaser with a keg registration form approved and distributed by the State Comptroller that is designed to be affixed to the keg and that indicates the name and address of the establishment and a registration number.
  - (2) The purchaser provides identification and completes and signs a registration form with the purchaser's name and address as shown on the identification produced and the date of purchase.
  - (3) The licensee affixes the completed registration form to the keg and retains a copy of the form for 30 days at the establishment.
- (ii) Upon return of a registered keg from the purchaser, the licensee must remove or obliterate the keg registration form affixed to the keg and note that removal and the date of that removal on the copy of the keg registration form retained by the licensee at the establishment.
- (iii) Licensees must record the date the keg is returned and the returnee's name and address as shown on the identification that is provided by the returnee on the copy of the keg registration that is retained at the establishment.
- (iv) If a keg is returned without the sticker attached, the licensee must notify the Board within 3 days and provide the Inspector with any necessary information to investigate the removal of the sticker. The licensee must not return the keg to the wholesaler or alter the keg in any way until the Inspector has completed his investigation.

- (v) If a keg is made of disposable packaging that does not have to be returned to the licensee, the licensee must indicate on the keg registration form that the keg is disposable. Disposal of empty kegs made of disposable packaging does not constitute obliteration of the keg registration form.
- (vi) A licensee may charge a keg registration fee to a purchaser.
- (vii) A licensee who violates any provision of this Regulation is subject to a fine not exceeding \$100.00, a suspension or a revocation of the license, or both a fine and suspension.
- (viii) The completed registration form signed by the purchaser creates a presumption that the licensee has complied with the requirements of this Regulation. (Article 2B, \$21-106)

#### §5.22 - Licensed Premises

In a building where there are two or more businesses operating, there must be a solid permanent structure totally separating the two businesses, separate entrances to each business, separate addresses authorized by proper zoning regulations and absolutely no physical interior access.

#### **§5.23 – Lighting**

All Class B and Class C licensees must have the inside of their establishment well-lighted during business hours.

#### §5.24 – Outside Areas

Every licensee is responsible for removing litter, trash, cans, bottles, etc. from the outside of the establishment and the parking lot.

Every licensee is responsible for policing the immediate area outside of the establishment. Loitering and drinking outside of an establishment is prohibited. Unless licensees obtain written permission from the Board for one day, tables are allowed outside for the consumption of food only, and alcoholic beverages are not to be dispensed or consumed outside, regardless of where the alcoholic beverages are purchased. All licensees must strictly enforce this requirement.

The licensee must report persons acting in a disorderly manner or using profane language to the proper police authorities and, if necessary, secure warrants.

# §5.25 - Outside Area, Special Event

Special permission to allow the sale and consumption of alcoholic beverages on the outside of the establishment for a special event may only be granted by the Board in writing. The licensee must request permission in writing at least 2 weeks prior to the event and include the hours when the special permission will be needed. The area covered by the special permission must be well-lighted and tables must be set up. If the permission is to be granted to a place other than the outside of the licensed premises, a special license is required.

# §5.26 – Outside Balconies, Porches, Adjacent Sidewalks or Yards

Special permission to use outside balconies, porches, adjacent sidewalks or yards on the outside of an establishment on a seasonal basis must be requested and approved in writing annually. All outside areas must be enclosed by a rope or fence barrier of at least 42" from the floor or ground level.

When it is not feasible for the outside area to be adjacent to the licensed premises, the Board may approve use of an area that is in close proximity to the licensed premises.

The licensee must ensure that there are no violations of Article 2B or the Board's regulations in the outside area.

If the area to be used is on the property of the City of Frederick, a right of way approval must be obtained.

Outside areas must comply with any applicable requirements of Zoning, Permits and Inspections, the Fire Marshal and the Health Department.

#### §5.27 – Pool Tables, Class A Licenses

Before installing one or more pool tables, the licensee must submit to the Board a written request describing the area where the licensee plans to add the pool table or tables, and receive written approval from the Board.

All pool tables in Class A establishments must be in a separate or private room. Persons under 16 years of age are not permitted at pool tables unless the establishment is solely operated as a recreational business such as a bowling center, arcade or billiard parlor. Between 11:00 p.m. and 7:00 a.m., no one under the age of 16 is allowed to play pool unless in the company of a parent or guardian. During school hours, no one under the age of 16 may play pool at any time with or without a parent.

#### §5.28 - Pool Tables, Class B & C Licenses

Before installing one or more pool tables, the licensee must submit to the Board a written request describing the area where the licensee plans to add the pool table or tables, and receive written approval from the Board.

No pool table is permitted in any establishment unless it is partitioned off or separated from the main dining area or place where tables and chairs or bar stools are located with a wall or partition at least 42" high from the floor. Persons under 16 are not allowed at pool tables in an establishment (clubs included) unless the establishment is solely operated

as a recreational business such as a bowling center, arcade or billiards parlor. Between 11:00 p.m. and 7:00 a.m., no one under the age of 16 is allowed to play pool unless in the company of a parent or guardian. During school hours, no one under the age of 16 may play pool at any time with or without a parent.

#### §5.29 - Private Parties (Other than Club Licenses)

Written approval from the Board for a private party where the establishment will be closed to the general public is required. The request must be submitted at least 2 weeks before the event and must include the date and time needed and the reason for the request. The Board's Regulations apply to these parties.

#### §5.30 - Raffles

No licensee may sell or give chances or otherwise raffle any bottle containing alcoholic beverages or a gift certificate to purchase alcoholic beverages whether the proceeds are for profit or non-profit or charitable purposes.

#### §5.31 – Records, Employees

All licensees must keep on the premises a record containing the names, addresses and ages of all persons employed by the establishment. A written work schedule for all shifts must be kept on the premises. These records must be open for inspection by duly authorized representatives of the Board at all times during regular business hours.

#### §5.32 - Records, Purchases and Sales

Licensees must keep accurate records of all alcoholic beverages purchased and sold for 2 years from the date of their purchase. These records must disclose the date of each purchase, the quantity purchased and the seller's name and address.

Class B licensees must keep daily records of sales of food and alcoholic beverages. These records must be kept in the establishment at all times and open for inspection by any duly authorized representative of the Comptroller or the Board at all times during regular business hours. (Article 2B, §14-201)

**§5.32.1 – Removing Partially Consumed Bottles of Wine** 

A person who purchased at a licensed establishment a meal and a bottle of wine, the contents of which are partially consumed with the meal, may remove the bottle and the remaining unconsumed contents from the premises if the licensee or employee inserts a cork or places a cap on the bottle. (Article 2B, §12.107.1)

# §5.33 – Resignation of a Licensee

When the establishment has more than one licensee, no licensee can resign without the Board's approval. A licensee who wishes to resign must first give notice to the Board of this intention. The Board must promptly notify the licensees and meet with them to consider this request. The Board will grant the request unless it finds good cause to the contrary. The pendency of a violation hearing constitutes a good cause.

## §5.34 – Responsibility of Licensee

The licensee is personally responsible for the operation of the establishment and is responsible for violations committed not only by the licensee but also by the licensee's agents, employees and operators.

#### §5.35 – Restrooms

All Class B and Class C establishments must have at least 1 restroom for each sex. In a building where there are 2 or more businesses operating, the businesses may share restrooms provided that the requirements of Chapter 5, §5.21 are met.

#### §5.36 - Rules and Regulations

Every licensee must keep these Regulations by the cash register, bar or area where they are easily accessible for reference. All employees must read these Regulations so they are familiar with them.

# §5.37 - Special Event Bottles

Class C, On Sale, Beer and Light Wine or Beer, Wine and Liquor licensees may sell only for off-premises consumption special anniversary or special event collectible bottles of wine or liquor (if licensed to sell liquor) 30 calendar days prior to the special anniversary or special event.

A Special Class C Beer and Light Wine or Beer, Wine and Liquor licensee is permitted to make sales for off-premises consumption only on the days permitted by the license for the special anniversary or special event.

(Article 2B, §7-101(o))

# **§5.38 – Special Use of Licensed Premises**

Any licensee desiring to use the establishment for a minor's night or any other type of special show or special activity for any reason other than for what it is normally intended must submit a written request and receive written approval from the Board.

#### §5.39 – Storage

No licensee may store or keep any alcoholic beverage except at the establishment or at a public or individual warehouse having a permit for such storage issued by the Comptroller's office.

(Article 2B, §12-105)

# \$5.40 - Tables, Class A (Off Sale) Licenses

No Class A licensee may have tables with chairs or stools at any counter. <u>NO</u> consumption of food on the premises is allowed. Video games that a person must sit at to play are considered tables and are not allowed.

# \$5.41 - Utilizing License

A licensee who holds the license at the establishment must use the privilege granted under the license. If the license is not going to be used, the license must be returned to the Board.

#### **§5.42 - Windows**

Class B licensees must not block existing windows with plywood, paint, or anything to obstruct the view of the inside of the establishment from the outside. Curtains must remain open at all times to ensure that the inside of the establishment is visible.

#### §5.43 – Zoning

A licensee, owner, manager, operator or employee must operate the establishment in compliance with all applicable zoning ordinances.

(Article 2B, §9-103)

## **Chapter 6. Prohibited Practices**

# **§6.0 – Borrowing Alcohol from Another Licensee**

A licensee must not borrow or loan alcoholic beverages to another licensee.

#### §6.1 - Bottles on Tables

No alcoholic beverage bottles except beer and dinner wines may be sold and set on tables or the bar.

# §6.2 - Consumption on the Premises

A licensee or employee must not permit any person to consume any alcoholic beverages at the establishment other than those purchased from the licensee and those that the license permits to be consumed thereon.

(Article 2B, §12-107)

# §6.3 – Consumption or Intoxication While on Duty

No licensee <u>or</u> employee may consume any alcoholic beverages anywhere at the establishment, including the area behind the bar, while on duty.

No band member may consume alcoholic beverages while performing or on the stage. Band members may consume alcoholic beverages during a break at a table that is not on the stage or in the stage area.

No licensee or employee may be on duty at any time, for any reason, while intoxicated, regardless of where the alcoholic beverages were consumed.

# \$6.4-Convictions, Subject to Fine and/or Suspension and/or Revocation

Any licensee who is convicted of a felony anywhere in the United States is subject to a fine and/or suspension or revocation after a hearing under §10-403 of Article 2B.

Any licensee or employee who is convicted of violating any drug law, driving while intoxicated, driving under the influence of drugs or alcoholic beverages, or any gambling laws when directly pertaining to the establishment will subject the licensee to a possible fine and/or suspension or revocation.

#### §6.5 - Drinks Carried Out

No bottles or cans of alcoholic beverages may be opened inside an establishment and taken outside for consumption.

#### §6.6 - Drive-In Windows

Drive-in windows are not allowed. Drive-in windows approved by the Board prior to July 1, 1985 are exempt from this provision.

(Article 2B, §9-211.1)

## §6.7 - Drugs

A licensee, owner, manager, operator or employee must not allow the establishment to be used for the purpose of possession, transfer, or use of any illegal narcotic drug.

#### §6.8 - Empty Bottles

Class B and Class C licensees must dispose of all empty liquor and wine bottles immediately after they are emptied. The bottles cannot be reused, used for mixing, or used for ornament or decoration.

#### §6.9 – Entertainment

A licensee who plans to add entertainment as a part of the business in addition to the operation of a restaurant must submit a written request describing the type and frequency of the entertainment. The Board's prior written approval is required. No licensee may conduct or allow to be conducted

at the establishment any contest or other exhibition in which any prize is awarded to contestants for having any part of their anatomy judged in the contest, whether the part of the body judged is covered or uncovered. There may not be any bikinis or thongs allowed in any contest at any establishment.

The licensee must conduct the business in an orderly and decent manner and must notify the appropriate authorities or law enforcement officials of any indecent exposure taking place at the establishment.

Exotic dancing, exhibition dancing and go-go dancing by a paid performer must be in a controlled area and must be specifically approved in writing by the Board. No entertainer is allowed to be touched or allowed to travel through the audience at any time.

Videos or movies are allowed, provided that movies showing nudity or sexual activity are not shown.

# \$6.10 - Entertainment - Nudity and Sexual Displays

If, after a hearing, the Board finds that any of the activities listed below occurred at any establishment, the Board will revoke the license.

(a) Attire and Conduct – A person may not be: (1) employed or used in the sale or service of alcoholic beverages at the establishment while the person is unclothed or attired so as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals; (2) employed or used as a hostess or other person to mingle with the patrons while unclothed or attired as described in paragraph (1) of this subsection; (3) encouraged or permitted to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person; or (4) permitted

to wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion of it.

(b) Entertainment – A person may not: (1) permit any person to perform acts of or acts which simulate (a) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts that are prohibited by law; (b) the touching, caressing or fondling of the breast, buttocks, anus or genitals; or (c) the displaying of the pubic hair, anus, vulva or genitals. A person may not permit any entertainer whose breasts and/or buttocks are exposed to perform closer than 6 feet from the nearest patron. A person may not permit any person to use artificial devices or inanimate objects to depict, perform or simulate any activity prohibited by this Regulation.

A person may not exhibit or show any motion picture film, still picture, electronic reproduction or other visual reproduction depicting: (1) acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts that are prohibited by law; (2) any person being touched, caressed or fondled on the breast, buttocks, anus or genitals; (3) scenes where artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

A person may not permit any person to remain in or upon the establishment who exposes to public view any portion of his genitals or anus.

This section does not permit any conduct or form of attire prohibited by any other law, ordinance, rule or regulation. (Article 2B, \$10-405)

#### §6.11 – False Statements

No applicant or licensee may make any material false statement in any original application for an alcoholic beverages license, renewal application, letter or written statement, in testimony before the Board or to any other representative of the Board who may be conducting an official investigation.

(Article 2B, §10-401(a)(3)(iii))

#### §6.12 - Gambling

A licensee, owner, manager, operator or employee may not allow the establishment to be used for any illegal gambling activity.

# §6.12.1 - Games, Drinking Games

A licensee, owner, manager, operator or employee may allow beer pong or other drinking games to be conducted on the licensed premises when used with water only.

#### §6.13 - Give-Away Programs

No licensee shall allow any give-away program, other than food, except as permitted in writing by the Board. Licensees may also give away prizes valued up to a total of \$25 without permission from the Board. Licensees should submit a written request for approval for a give-away program at least 2 weeks prior to the event.

(a) Free Food and/or Alcohol – No licensee may offer free alcoholic beverages. The only free food that may be placed on counters or tables are: cheese, crackers, pretzels and hors d'oeuvres.

Aside from the above, no food or lunch may be given or offered to anyone visiting an establishment for the purpose of inducing, procuring or influencing the person to purchase an alcoholic beverage to be drunk at the establishment.

Nothing shall be given away FREE or sold at a nominal price for the purpose of inducing, procuring or influencing the person to purchase an alcoholic beverage. (Article 2B, §12-106)

(b) Open Bar – No licensee may offer unlimited alcoholic beverages for a set price. However, if an establishment wishes to have an open bar with a meal for a special occasion, it must request written permission from the Board. Permission must be requested at least 2 weeks prior to the event. For a New Year's Eve or similar type of event, public or private ads must state "Open Bar" and not "All You Can Drink."

#### §6.14 – Intoxicated Persons

A licensee or employee must not knowingly sell, barter, furnish or give any intoxicating beverages to (1) any person who, at the time of the sale or delivery, is visibly under the influence of any alcoholic beverage, (2) an habitual drunkard, (3) a mentally deficient person, or (4) any person whose spouse, child, sibling, parent, or guardian has given written notice in writing that such person is of intemperate habits or of unsound mind or an account of his or her physical condition and requests the licensee in writing not to sell, furnish or give any intoxicating beverages to him or her. (Article 2B, §12-108)

(a) *Licensees* – Licensees or any person or persons with them must not be or become intoxicated, or drink to excess in their own establishment at any time, regardless of where the alcoholic beverages were obtained.

#### §6.15 - Minors

(a) Consumption or Possession – A licensee, proprietor or operator of any establishment must not permit the consumption or possession of any alcoholic beverage by any person under the age of 21 years. This section applies no matter for whom the alcoholic beverages are or would be purchased.

(Article 2B, §12-108(d))

(b) Employees – Employees must be 18 years old to sell, serve or deliver or otherwise deal with any alcoholic beverage. This includes servers and bartenders as well as store clerks.

Persons 14 to 17 years of age are allowed to work in an establishment provided they <u>do not sell, serve, or deliver any alcoholic beverages</u>.

(Article 2B, §12-302 (a)(7))

The licensee who employs said minors must supply the Board with a copy of the minor's work permit and a letter of permission from the minor's parents. Strict compliance with this provision is required.

- (c) Misrepresenting Age No person may falsely represent the age of any person for the purpose of aiding, assisting or abetting the person to illegally purchase, receive or obtain any alcoholic beverage.
- (d) *Possession* No person under the age of 21 may possess or have upon his person any alcoholic beverage.
- (e) *Purchases* No person under the age of 21 may purchase any alcoholic beverage.
- (f) Restricted Areas No person under the age of 16 is allowed at the bar, with or without a parent.

(g) Sales – No licensee or employee may sell or furnish any alcoholic beverages at any time to a person under the age of 21 years.

(Article 2B, §12-108 (d))

A Maryland State driver's license or a Maryland State age of majority card with the picture on it, or a valid United States Military ID are the only identifications acceptable for positive identification. For out-of-state persons, due caution by checking two or more cards is required.

(Article 2B, §12-108(a)(3)(iii)(2))

#### §6.16 - Possession

No licensee or employee of the licensee may possess at any place on the establishment any alcoholic beverage not permitted to be sold under the license.

(Article 2B, §12-107)

#### §6.17 – Purchases and Sales

No licensee may purchase alcoholic beverages except from a duly licensed manufacturer, wholesaler, or private bulk sale holder; nor may any

licensee keep or permit to be kept at the establishment any alcoholic beverages unless so purchased at any time. (Article 2B §- 12-107)

No licensee may sell to or purchase from any other licensee any alcoholic beverages for resale.

No officers of any club may purchase alcoholic beverages under the club's name and license for their personal use. No alcoholic beverage may be sold or purchased by club members to be taken off premises with the exception of Special Event Bottles covered in Chapter 5, §5.38.

#### \$6.18 - Removal of Alcoholic Beverages

During the hours when the sale of alcoholic beverages is prohibited, no alcoholic beverage can be removed from the establishment, regardless of when purchased.

#### §6.19 - Sales from the Bar

No <u>bottles</u> of alcoholic beverages may be dispensed or sold from the bar except beer and dinner wines.

# §6.19.1 - Tampering with Bottles

No licensee, owner, manager or employee shall tamper with, by the addition to, or the change in any manner whatsoever, the contents of any container of alcoholic beverages. (Article 2B, \$12-113 (c))

#### §6.20 – Vacating the Premises

Any licensee closing 10 days or more must bring the license to the Board for the time approved. Any establishment closed more than 10 consecutive days without the Board's approval will be considered vacated and the license will become null and void.

(Article 2B, §10-504)

# **§6.21 – Working for Another Licensee**

Licensees of one establishment cannot work for or manage another establishment.

PLEASE NOTE - ALL REGULATIONS ARE SUBJECT TO CHANGE BY WRITTEN NOTICE OF THE BOARD OF LICENSE COMMISSIONERS OF FREDERICK COUNTY.